



Atty. Docket No.: 17633/1082

PATENT

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Refer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wang, T.
Serial No.: 09/927,738
Filed: August 10, 2001
Titled: COMPOSITIONS AND METHODS
FOR MODULATING TGF- β
SIGNALING

Examiner: Kaufman, C.M.
Group Art Unit: 1646
Conf. No.: 7298

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Debi Goodison
Signature of Person Mailing Paper

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT

Sir:

This Supplemental Amendment is being filed in response to the Office Communication mailed from the U.S. Patent and Trademark Office on July 26, 2004, in the above-identified application. In that Office Communication, the Examiner stated that the Amendment to the claims filed on 06/09/04 does not comply with the requirements of 37 C.F.R. 1.121(c). This Supplemental Amendment is essentially a re-submission of a Response to an Office Action filed on June 9, 2004, with amendments to the Listing of the Claims in order to comply with 37 C.F.R. 1.121(c). Reconsideration and further examination are requested.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are shown in the "Listing of the Claims," which begins on page 4 of this paper.

Remarks begin on page 12 of this paper.

Please enter the following amendments and remarks.

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amino acid sequence common to both the cited peptide and the polypeptide disclosed by Applicant, one of skill in the art would expect the epitopes produced by the Brenner peptide (12 amino acids) and the subject polypeptides (396 and 255 amino acids) to have different conformational structures. Thus, the antibodies that recognize and bind to these distinct epitopes would also be different.

Given the differences in epitopes and binding specificities, the Brenner et al. reference does not teach an antibody that binds to an isolated, native SNIP1 polypeptide having the amino acid sequence of SEQ ID NO:3 or SEQ ID NO:5. As discussed above, an antibody against a peptide stretch of a protein will not necessarily bind to the native protein containing the peptide sequence. (See Spangler (1991) *J. Immunol.* 146: 1591-5; Janeway & Travers, *id.*, 3:9). Therefore, in view of the fact that an antibody against a peptide cannot reliably be predicted to recognize a native protein, and in light of the fact that sequences flanking the epitope can have a significant effect on antibody binding, the Brenner et al. reference does not inherently teach an antibody that binds to the isolated, native SNIP1 polypeptides recited in Claim 7. As such, Applicant submits that Claim 7 is novel over the Brenner et al. reference and requests withdrawal of the §102 rejection and reconsideration of amended Claim 7.

Applicant submits that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicant's attorney would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney of record.

Respectfully submitted,

Date: August 24, 2004

Barbara A. Gyure

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TRANSMITTAL LETTER

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Response to Office Action mailed July 26, 2004;
2. Copy of Office Action mailed July 26, 2004;
3. Amendment Transmittal Letter; and
4. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 16-0085, Reference 17633/1082. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: August 24, 2004

Barbara A. Gyure

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